

TYPE III DEVELOPMENT & ENVIRONMENTAL REVIEW, STAFF REPORT & RECOMMENDATION

Form DS1402



Project Name: I-205 COMMERCE PARK SUBDIVISION

Case Number: PLD2004-00007, SEP2004-00013, ARC2004-00006, WET2004-00008

Location: 6308 NE 88th Street. The property is located on the north side of NE 88th Street and east of NE 62nd Avenue.

Request: The applicant proposes to subdivide three parcels totaling approximately 30.16 acres into 10 lots in the Light Industrial (ML) Zoning District.

Applicant: Mildren Design Group, P.C.
Attn.: Jack Kriz
7650 SW Beveland , Suite 120
Tigard, OR 97223
Phone # (503) 244-0552, E-mail: Jack@mdgpc.com

Contact Person: Same as Applicant

Property Owner(s): I-205 Commerce Park, L.L.C.
14915 SW 72nd, Suite 200,
Tigard, OR 97223

RECOMMENDATION

Approved subject to Conditions of Approval

Team Leader's Initials: _____ **Date Issued:** August 11, 2004

Public Hearing Date: August 26, 2004

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
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Engineer Supervisor (Trans. and Stormwater):	Richard Drinkwater, P.E.	4492	Richard.Drinkwater@clark.wa.gov
Engineering Supervisor (Trans. Concurrency):	Steve Schulte, P. E.	4017	Steve.schulte@clark.wa.gov

Comp Plan Designation: Light Industrial (ML)

Parcel Number(s): A portion of Tax Lots 2/7 (106100), 8 (106112 and 6 (156189) located in the NE ¼ of Section 6, Township 2 North, Range 2 East of the Willamette Meridian.

Applicable Laws:

Clark County Code Chapter 40.350, (Transportation), 40.350.020 (Concurrency), 40.380 (Storm Water Drainage and Erosion Control), 15.12 (Fire Code), 40.370.080 (SEPA), 40.570.080 (Industrial Districts, ML), 40.610 & 40.620 (Impact Fees), 40.370.010 (Sewer Connection), 40.370.020 (Water Connection), 40.540.040 (Subdivision Provisions), 40.450 (Wetlands Protection), 40.570.080 (C) (3) (k) (Archaeology), 40.310 (Signs), 40.500 (Procedures), RCW 58.17 (State Land Division Laws)

Neighborhood Association/Contact:

Andresen/St Johns Neighborhood Association
Deborah Hoffman, President
7318 NE 61st Avenue
Vancouver, WA 98661
(360) 699-4043

Time Limits:

The application was submitted on January 23, 2004, and determined to be fully complete on March 24, 2004 (see Exhibit No.9). The applicant was asked to submit additional information thereby extending the deadline by 145 days. Therefore, the county code requirement for issuing a decision within 92 days lapses on September 16,

2004. The State requirement for issuing a decision within 120 calendar days, lapses on November 14, 2004.

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on February 20, 2003. The pre-application was determined to be contingently vested as of January 23, 2003 (i.e., the date the fully complete pre-application was submitted).

The fully complete application was submitted on January 23, 2004. The application was vested as of March 10, 2004 (the date the additional information was submitted. There are no disputes regarding vesting in this matter.

Public Notice:

Notice of application and public hearing was mailed to the applicant, Andresen/St. Johns Neighborhood Association and property owners within 300 feet of the site on April 6, 2004. One sign was posted on the subject property and two within the vicinity on August 11, 2004. Notice of the SEPA Determination and public hearing was published in "The Columbian" newspaper on August 11, 2004.

Public Comments:

The county did not receive any public comments regarding this proposal.

Project Overview

The applicant is requesting a preliminary plat approval to subdivide approximately 30.16 acres into 10 lots in the Light Industrial (ML) Zoning District. There is an existing single-family dwelling and some out buildings on the southwest corner of the site that will be removed.

The light industrial district (ML) is intended to provide for those less-intensive industrial uses which produce little noise, odor and pollution. It also provides for resource-based uses and service uses that are deemed compatible with light industrial activities. Table I shows the comprehensive plan designation, zoning, and current land use on the site and on the abutting properties:

Table 1: Comprehensive Plan, Zoning and Current Land Use

Compass	Comp Plan	Zoning	Current Land Use
Site	Light Industrial (ML)	Light Industrial (ML)	The site comprises 3 tax lots, it is relatively flat, and slopes gently eastwards. There is a grassy wetland on the southwest and a forested wetland on the northern sections of the site. A single-family dwelling and out buildings are located on the southwest section of the property. Much of the property is grass, although some trees exist along the property boundary. NE 88 th Street lies south of the site and connects with NE Andresen to the east.
North	ML/UL	ML/R1-6	I-205 freeway rail road track.
East	ML	ML	Truck depot, 5 buildings, office space and mature trees along property boundary.
South	MLL	ML	NE 88 th Street and some developed industrial properties – COSTCO shopping complex to the east and United Pipes business to the west.
West	ML	ML	Single-family dwelling on a large lot. Forested with second growth mature trees.

The USDA Soil Conservation Service, Soil Survey of Clark County, Washington, 1972, classifies the soils at this site as those of Hillsboro silt loam (HIA) on slopes ranging from zero to 3 percent, Hillsboro loam (HIB) on slopes ranging from 3 to 8 percent, McBee silt loam, coarse variant on slopes ranging from zero to 3 percent and Semiahmoo muck (Sr) on zero percent slopes. The McBee silt loam coarse variant and the Semiahmoo muck soils are hydric soils, according to the Clark County Hydric List, which require best engineering practices for building foundation because of their shrink / swell factor.

Maps from Clark County's GIS Mapping System indicate that the site contains wetlands, on the southeast and northern sections. However, the site does not contain a 100 year flood plain or flood fringe, or any other regulated sensitive lands such as steep slopes, potentially unstable slopes and habitat.

The property is located within the City of Vancouver's urban growth area (UGA). It is situated in an area served by Fire Protection Districts 5, Battle Ground School District, Orchards Impact Fees District, and Parks Improvement District 7. Hazel Dell Sewer District provides public sewer and the City of Vancouver provides public water in the area, respectively.

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential

adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Then staff reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, and/or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements, and, therefore, are not discussed below.

LAND USE:

Land Division Standards, 40.540.040

Finding 1

The development site is approximately 30.16 acres. Staff finds that the application complies with the submittal requirements [per CCC 40.540.040 (B)] for review of the preliminary subdivision plat. Staff finds that the application has submitted the required information [per CCC 40.540.040 (D)], to comply with the approval criteria.

The applicable code section also grants the proponent of a subdivision of property zoned industrial (or commercial) some flexibility in the design and configuration of the proposed lots. The code requires the preliminary plat for industrial (and commercial) properties to comply with all of the applicable standards, except that only blocks and street layout need be shown. Therefore, the preliminary plat for an industrial subdivision could declare the number of lots proposed for the ultimate build-out of the site without necessarily showing the individual lot lines on the preliminary plat [see CCC 40.540.040 (C)].

Light Industrial District (ML), CCC 40.230.080

Finding 2

CCC 40.230.080 (A), stipulates that the light industrial (ML) district provides for a wide range of industrial and manufacturing uses including manufacturing, assembly, fabrication, processing, and related research and development; mineral and resource extraction and processing; bulk handling and storage (warehousing); truck, marine, and

rail distribution. The ML district is intended to protect the industrial land base for industrial economic development and employment opportunities by limiting residential, institutional, commercial, office and other non-industrial uses to those necessary for the convenience/support of industrial activities.

The ML district permits several uses either as outright activities or as activities that could be permitted through the conditional use permit process (see Table 40.230.080-1). Some uses (or activities) (for example, offices) are allowed only if proposed as an accessory use to another permitted use.

New lots, structures, and additions to structures must comply with the applicable standards for lots, building height, setbacks and building separation as shown in Table 2 below. Staff finds that the proposed plat could comply with the lot dimensional standards indicated below.

**Table 2: Lot Setbacks, Lot Coverage and Building Height Requirements
(per CCC 40.230.080-2)**

	Zone
Subject	ML
Minimum area of new zoning district	None
Maximum area of new zoning district	None
Minimum lot area	10,000 square feet
Minimum lot width	100 feet
Minimum lot depth	100 feet
Maximum building height	60 feet for buildings. No height limitation for towers
Minimum building setback ^{1, 2}	
Front/street side	20 feet
Side (interior)	10 feet
Rear	15 feet
Maximum building coverage	50 percent
Minimum landscaped area/type ¹	20 percent

See condition of approval D-1

Finding 3

Staff finds that a commercial or service use, when proposed, shall not exceed ten percent (10%) of the gross floor area of the industrial building. If a freestanding commercial/service building is proposed, then the total floor area of the commercial/service building shall be limited to ten (10) percent of the total floor area of

¹ Additional setbacks and/or landscaping requirements may apply, particularly abutting residential uses or zones. See Section 40.320.010 for details.

² There is no minimum lot size for utility or tower facilities. All utility and tower facilities shall be setback twenty (20) feet from the property lines, and provide additional landscaping, as found in Table 40.320.010-1. See Section 40.260.250 for requirements for wireless communications facilities.

all the buildings proposed within the industrial complex, as shown on the site plan. When a commercial or service use is approved, a note shall be placed on the final site plan indicating the cumulative amount of the commercial or service area that has been approved and the residual amount that is available for use. (See condition of approval D-2)

Site Plan Review Standards

Approval Criteria:

Finding 4

The current application is a request for preliminary subdivision approval. However, an industrial development requires a site plan review approval. There fore, upon recording the final plat, any industrial (or approvable commercial) development proposed, shall require site plan approval per CCC 40.520.040. During site plan review, the county could require additional SEPA Checklist Review for the specific project application. (See condition of approval D-3)

CRITICAL AREAS:

Only major issues that require conditions and/or revisions to the proposed plans to ensure compliance with the requirements of the Wetland Protection Ordinance (CCC 40.450) are discussed in detail below:

Finding 1

Compliance with CCC 40.450 will ensure that the project has no significant environmental impacts to wetlands (see SEPA Determination).

Finding 2

Staff concurs with the findings in the May 2003 wetland delineation report (Exhibit 7) prepared by the Resource Company. The site contains 2 Category 4 wetlands, and one Category 3 wetland. The Category 4 wetlands require 50 ft. Type D buffers and the Category 3 wetland has a 60 ft. Type A buffer.

Finding 3

Based on the wetland mitigation plan addendum (Exhibit 16), the applicant proposes to fill 1.29 acres of Category 4 wetlands to construct a public street and 0.01 acres for creation of proposed Lot 5. Mitigation is proposed on-site through creation of 1.20 acres of category 4 wetlands and enhancement of 3 acres of Category 4 wetlands to meet Category 3 criteria. The mitigation plan exceeds the requirements of CCC 40.450.040 (D) (2).

Finding 4

The applicant proposes to reduce wetland buffers with road crossings. Wetland buffers will be enhanced and/or replaced to maintain buffer function as required under CCC 40.450.040 (C) (5).

Finding 5

Based on the wetland mitigation plan (Exhibit 16) and the revised grading plan provided by the applicant on July 19, 2004 (Exhibit 18), stormwater facilities will be located within wetland buffers and one detention facility will be placed within a Category 4 wetland. These facilities may be allowed provided that they comply with CCC 40.450.040 (C) (4)

in the buffers and (D) (5) in the wetlands. The Engineering Construction plans and Final Enhancement/Mitigation plan must clearly demonstrate that these standards will be met.

Conclusion:

Based upon the development site characteristics and the proposed development plan, staff concludes that the proposed preliminary land division and preliminary wetland permit comply with the requirements of the Wetland Protection Ordinance PROVIDED that conditions of approval A-1, A-2, D-4, and E-2 are met.

TRANSPORTATION CONCURRENCY:

The applicant's traffic study has estimated the weekday AM peak hour trip generation at 286 new trips, and PM peak hour trip generation at 374 trips. The following paragraphs document two transportation issues for the proposed development.

Issue #1: Concurrency

The applicant submitted a traffic study for this proposal in accordance with CCC 40.350.020B and is required to meet the standards established in CCC 41.350.020G for corridors and intersections of regional significance. The County's Traffix™ model includes the intersections of regional significance in the area and the County's model was used to evaluate concurrency compliance.

Operating LOS on Corridors

Finding 1:

The proposed development was subject to concurrency modeling. The modeling results indicate that the operating levels comply with travel speed and delay standards. The applicant should reimburse the County for costs incurred in running the concurrency model. (See condition of approval A-3)

Intersection Operating LOS

Finding 2:

The proposed development was subject to concurrency analysis for intersections of regional significance. Capacity analyses were also conducted for impacts to public roadway intersections adjacent to the proposed development site. The study reports acceptable operating levels for the following County intersections.

- NE 25th Avenue/NE 88th Street

Concurrency Compliance

The proposed development complies with the Concurrency Ordinance CCC 40.350.020.

Issue 2: Safety

Where applicable, a traffic study shall address the following safety issues:

- Traffic signal warrant analysis,
- Turn lane warrant analysis,
- Accident analysis, and
- Any other issues associated with highway safety.

Mitigation for off-site safety deficiencies may only be a condition of approval on development in accordance with CCC 40.350.030.6a. This section states as follows:

“Nothing in this section shall be construed to preclude denial of a proposed development where off-site road conditions are inadequate to provide a minimum level of service as specified in Section 40.350.020 or a significant traffic or safety hazard would be caused or materially aggravated by the proposed development: provided that the developer may voluntarily agree to mitigate such direct impacts in accordance with the provisions of RCW 82.02.020.”

Turn Lanes

Finding 3:

The traffic study analysis assumed for the site build-out condition an eastbound left turn lane, a westbound right turn lane and a southbound left turn lane. The turn lanes should be designed to provide storage to accommodate the 95% queues. A letter from the applicant volunteering the turn lanes is required for an approval recommendation from Public Works Transportation. (See condition of approval B-1)

To comply with these requirements, the applicant shall submit a signing and striping plan and a work order, authorizing County Road Operations to perform any required work. The Department of Public Works must approve this work prior to final site plan approval. (See condition of approval B-2)

Signals/Intersection

Finding 4:

The traffic study analysis assumed for the site build-out condition the addition of the north leg of the intersection of NE 64th Avenue/NE 88th Street. The design for the new leg and all related features will be required by Public Works Transportation staff. A letter from the applicant volunteering the improvements is required for an approval recommendation from Public Works Transportation. (See condition of approval B-3)

To comply with these requirements, the applicant shall submit a signing and striping plan and a work order, authorizing County Road Operations to perform any required work. The Department of Public Works must approve this work prior to final site plan approval. (See Finding 3 and condition of approval B-2)

Historical Accident Situation

Finding 5:

The applicant's traffic study analyzed the accident history at the regionally significant intersections; however, all of the historical accident rates at these intersections are below 1.0 accident per million entering vehicles. Therefore, mitigation by the applicant is not required.

Sight Distance

Finding 6:

Based on CCC 40.350.030-10, the minimum stopping sight distance required for a posted speed of 25 mph is 150 feet. The applicant's traffic study reports the 95% queues on NE 64th Avenue extend to 270 feet. The applicant is required to ensure that adequate sight distance is maintained prior to issuance of building permits. (See condition of approval B-4)

Traffic Controls during Construction

Finding 7:

During site development activities, the public transportation system (roadways, sidewalks, bicycle lanes, etc.) may be temporarily impacted. In order to minimize these impacts and coordinate work occurring in the public right-of-way, the applicant will need to prepare and have approved a Traffic Control Plan. (See condition of approval B-5)

The applicant shall maintain all existing signs within the public right of way within the limits of the development's construction until the public roads have been accepted by the County. The developer shall install and maintain temporary signs where the development's signing and striping plan shows new or modified warning or regulatory signs. New or modified temporary signing shall be installed when any connection is made to the public road network. The developer shall remove the temporary signs immediately after the County installs the permanent signing and striping.

TRANSPORTATION:

Finding 1

Pedestrian circulation facilities in compliance with the Americans with Disabilities Act are required in accordance with Section CCC 40.350.010. The development plans proposes curb-tight sidewalks along the frontage on NE 88th Street and NE 64th Avenue. However, the site plan does not show sidewalk along the frontage on the proposed private cul-de-sac road or walkways within the proposed lots. Improvements along NE 88th Street will allow for installation of bike lanes. Bike lanes are not required for local access roads. Staff finds that the proposed pedestrian circulation plan does not comply with the provisions of Section CCC 40.350.010. (See condition of approval A-4)

Circulation Plan

Finding 2

In accordance with Section CCC 40.350.030(B) (2), the purpose of the circulation plan is to ensure access to the proposed development and to provide adequate cross-circulation in a manner, which allows subsequent developments to meet the cross-circulation standards.

NE Andresen Road to the east of the development and NE 88th Street abutting the property on the south are the primary north-south and east-west circulator roads in the area. Extension of NE 64th Street Avenue through the site in compliance with the adopted 'NE 88th Street Neighborhood Circulation Plan' will provide for circulation within the site and connectivity with the existing roadway system in vicinity of the proposed development.

The existing business within the parcel to the east (Parcel # 106116-000) currently takes access onto NE 88th Street. Providing access to the future development within this parcel due to inadequate intersection spacing and topographical constraints will pose problems both from traffic operation and safety standpoints. The applicant is encouraged to negotiate with the owner of the parcel to the east in order to provide an access easement through this development.

Staff finds that this project complies with the circulation plan to the extent that can be required of this applicant. Therefore, the requirements of circulation plan in compliance with Section CCC 40.350.030(B) (2) are satisfied.

Roads

Finding 3

NE 88th Street, abutting the proposed development on the south, is classified as a 2-lane collector road with center-turn lane and bike lanes (C-2cb). The minimum half-width right-of-way dedication and frontage improvements along this road in accordance with CCC Table 40.350.030-2 and Standard Details Manual, Drawing #11, include:

- A minimum half-width right of way of 35 feet
- A minimum half-width roadway of 23 feet
- Curb/gutter, Landscaping, and minimum detached sidewalk width of 6 feet

The site plan proposes curb-tight sidewalks (See Sheet C4.0 of the revised plan set) and no landscaping. However, in compliance with the provisions of county Arterial Atlas and Standard Details Manual, the proposed sidewalk shall be detached and meandering, unless a road modification is approved. The applicant has not requested a road modification with this application. (See condition of approval A-5)

Public Works Transportation staff, based on the traffic analysis submitted by the applicant, has determined that additional turn-lanes will be required along NE 88th Street and NE 64th Avenue, at the intersections of these roads. (See Transportation Concurrency Finding 4)

In accordance with CCC 40.350.030(B)(5)(1), the right-of-way or easement width shall be a minimum of one-half (½) of that specified in Tables 40.350.030-2 through 40.350.030-6; provided, that such minimum width may be increased where necessary to accommodate the minimum roadway improvement to allow a minimum three (3) feet of right-of-way beyond the back of the sidewalk for urban public roads unless the sidewalk is detached from the curb with sufficient room to provide for utilities and signing, or for needed construction clearance, slopes or other features. The applicant will be required to dedicate additional right-of-way and improve the frontage to address traffic operation and/or safety concerns and mitigate safety hazards exacerbated by this development along the frontage and at the intersection of NE 64th Avenue with NE 88th Street. (See condition of approval A-6)

Finding 4

NE 64th Avenue to be extended through the project is proposed as an urban industrial road. The minimum right-of-way dedication and frontage improvements along this road in accordance with CCC Table 40.350.030-6 and Standard Details Manual, Drawing 22 and 22 A, includes:

- A minimum right-of-way of 50 to 60 feet
- A minimum roadway width of 32 to 38 feet
- Curb/gutter and minimum sidewalk width of 6 feet

In accordance with CCC Table 40.350.030-6, a minimum centerline radius of 200 feet is

required for 'Local Industrial' roads. The proposed centerline radius of the proposed extension of NE 64th Street Avenue shall be consistent with the required radii for the industrial roadways. The site plan does not provide information that indicates the proposed centerline radius is adequate for accommodating truck turning-movements. (See condition of approval A-7)

Finding 5

The on-site road is proposed as a private road with 28-foot wide paved width within a 28-foot right-of-way terminating in a 90-foot radius cul-de-sac within a 110-foot radius right-of-way. The paved section shall be constructed to "Industrial" road standards specified in Standard Details Manual, Drawing 22. (See condition of approval A-8)

The plan does not show sidewalks along this road. The applicant shall provide a safe pedestrian / ADA access route in this portion of the site. (See Transportation Finding 1)

Access

Finding 6

The future driveways on NE 64th Avenue and the proposed private road shall be located in a manner to minimize turning conflicts and to ensure adequacy of corner sight distances. The driveway approaches onto NE 64th Avenue shall be delineated on the final plat. The project shall construct these driveway approaches in accordance with the Standard Details Manual, Drawing F17. (See condition of approval A-9)

The proposed private road is proposed as an over-length cul-de-sac. However, in industrial / commercial subdivisions, turnaround opportunities are provided within each individual development site. Assuming that not all the sites are going to be constructed simultaneously or in a particular order, a condition for the required turnaround is warranted. The required fire apparatus access and turnarounds shall be consistent with the requirements of the County Fire Marshal. The Fire Marshal's requirements shall take precedence when they are more stringent than the Transportation Standards. (See condition of approval A-10)

Intersection Design

Finding 7

The proposed public road intersections shall be designed in accordance with Section CCC 40.350.030(B) (7). In accordance with Table CCC, 40.350.350-2 and CCC Table 40.350.350-6 the minimum curb-return radii of 45 feet and minimum ROW radius chords of 25 feet for the intersections of NE 88th Street/NE 64th Avenue and NE 64th Avenue/NE 88th Street will be required. (See condition of approval A-11)

Sight Distance

Finding 8

Prior to the final site plan approval, the applicant shall submit evidence verified by a licensed engineer in the State of Washington that the sight distance triangles for all the access points, all the intersections, and in particular along the curved section of NE 64th Street and at intersection of NE 88th Street / NE 64th Avenue, comply with the provisions of Section CCC 40.350.030(B) (8) and CCC Table 40.350.030-11. The sight distances shall remain unobstructed after completion of the project. (See condition of approval A-12)

Geotechnical Concerns

Finding 9

The geotechnical concerns are construction of improvements along the frontage on NE 88th Street, which will require retaining walls and embankment fill, construction of NE 64th Street in close proximity of the existing wetland and construction of the private road and buildings in an area known to have high groundwater elevation and elastic subsurface soil layers. The applicant has submitted a geotechnical site investigation report dated December 29, 2003, prepared by Geotech Solutions, Incorporated (Exhibit 6). This document contains important findings and recommendations for grading, construction of the retaining walls, construction of the proposed roads and foundation design for placement of structures. (See condition of approval A-13)

Conclusions (Transportation Plan)

Based upon the development site characteristics, the proposed transportation plan, the requirements of the County's transportation ordinance, and the findings above, staff concludes that the proposed preliminary transportation plan, subject to condition A-4 through A-13, meets the requirements of the county transportation ordinance.

STORMWATER:

Approval Criteria

Finding 1

Stormwater and Erosion Control Ordinance (CCC 40.380) apply to development activities that results in 2,000 square feet or more of new impervious area within the urban area and all land disturbing activities, except those exempted in Section CCC 40.380.030(A).

This project will create more than 2000 square feet of new impervious surface and it is a land disturbing activity not exempted in Section CCC 40.380.030(A). Therefore, this development shall comply with the Stormwater and Erosion Control Ordinance, CCC 40.380.

The erosion control ordinance is intended to minimize the potential for erosion and a plan is required for all projects meeting the applicability criteria listed in CCC 40.380.050. This project is subject to the erosion control ordinance.

Stormwater Proposal

Finding 2

In compliance with CCC 40.380.040(B), stormwater quality control facilities shall provide for treatment of 70% of the runoff due to 24-hour, 2-year storm event from the pollution-generating surfaces within the site and the offsite areas draining to the site. In accordance with 40.380.040(C), to achieve quantity control, the detention system shall be sized to detain and release runoff at rates equal to one-half of the pre-developed 2-year design storm peak runoff rate; and not exceeding 10-year and the 100-year pre-developed design storm peak runoff rates.

The project proposes to achieve the required stormwater quality control for the frontage on NE 88th Street, the proposed extension of NE 64th Avenue, and the proposed private road within three biofiltration swales shown on Sheet C2.0 of the revised plan set.

Treated stormwater will be conveyed to the existing wetland to the southeast of the site to be detained and released through a 24-inch culvert under NE 88th Street. From there, the runoff will be conveyed through piping system across Costco site to the stormwater facilities south of Costco site and from there through the existing 36-inch culvert crossing under Andresen Road conveyed to the east side and culverts crossing under Padden Parkway to the south .

The project proposes to dedicate the stormwater facilities to the County to be maintained. (See condition of approval A-14)

Site Conditions and Stormwater Issues

Finding 3

The site (with slopes of 0% to 5%) contains grass, shrubs, trees, and wetlands. The amount of proposed impervious surface areas created by the 30.16-acre development site and the frontage improvements is estimated at approximately 22 acres.

The 1972 soil survey of Clark County published by USDA, SCS shows the site to be underlain by 91% Hillsboro loam (HIA & HIB) classified by AASHTO as soils with the designation of A-4 soils for the depths of 0 to 36 inches and A-1 for the depths of 36 to 62 inches below the ground surface (bgs); 7% (Sr) not classified by AASHTO; and 7% McBee silt loam (MIA) classified as A-4 soils for the depths of 0 to 44 inches bgs and A-1 soils for the depths of 44 to 62 inches bgs . HIA, HIB soils are designated as hydrologic group "B" and Sr as hydrologic group "C" and MIA as hydrologic group "D". In accordance with the provisions of CCC 40.380.040(C) (3), A-4 soils are not suitable for infiltration. Therefore, storm quantity control can be achieved by detention only.

The applicant has indicated that water quality control for the proposed lots will be the responsibility of the applicant for each individual lot at the time of development. (See condition of approval A-15)

Downstream Analysis

Finding 4

The applicant has submitted a hydrology report prepared by Hoper, Dennis Jellison, PLLC, dated February 9, 2004 (Exhibit 6). This document contains an analysis of the watershed and downstream impacts due to runoff from the contributory areas, which includes the I-205 Commerce Park development. This report concludes that at the downstream controls (Andresen Culvert is used as a "point of analysis"), the developed peak release rate is less than the present condition rate and the peak water surface elevation is essentially the same for developed condition.

Based on the County's GIS mapping, staff finds that portions of the site to the northeast of the development drains toward I-205 right-of-way. The stormwater plan does not provide specific measures to prevent adverse impact to I-205 right-of-way. Changing the drainage patterns within the site due to grading can adversely impact the adjacent properties. In accordance with the provisions of Section CCC 40.380.040(C) (1)(g), no development within an urban area shall be allowed to materially increase or concentrate stormwater runoff onto an adjacent property or block existing drainage from adjacent lots. (See conditions of approval A-17)

Conclusion (Stormwater)

Based upon the development site characteristics, the proposed stormwater plan, the requirements of the County's stormwater ordinance, and findings above, staff concludes that the proposed preliminary stormwater plan, subject to conditions A-14 through A-16, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

CRITICAL AQUIFER RECHARGE AREAS (CARA)

Approval Criteria

Finding 1

Based on the County GIS, this property is within the critical aquifer recharge area (CARA), Category II. The applicant has not proposed specific uses within the proposed lots. If the use is listed in Section CCC 40.410.020(B), a CARA permit in compliance with Section CCC 40.410 will be required. (See condition of approval A-18)

FIRE PROTECTION:

Approval Criteria

Fire Marshal Review

Finding 1:

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375 x4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Building Construction

Finding 2:

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see condition of approval A-19).

Fire Flow

Finding 3:

Fire flow in the amount of 1,000 gallons per minute at 20 pounds per square inch (psi) supplied for 2 hours duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is not currently available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see condition of approval A-20).

Finding 4:

Fire hydrants are required for this application. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (see condition of approval A-21).

Finding 5

Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at (360) 696-8166 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (see conditions of approval A-22).

Fire Apparatus Access

Finding 6:

Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (see condition of approval C-1).

Fire Apparatus Turnarounds

Finding 6:

The provisions for turning around fire apparatus shall comply with the Clark County Road Standard. (See condition of approval C-2)

WATER & SEWER SERVICE:

Finding 1

Hazel Dell Sewer District provides sewer service and the City of Vancouver provides potable water services in the area, respectively. Letters from Hazel Dell Sewer District and the city confirm that the services are available to serve this development.

Finding 2

Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Final Approval Letter" must be submitted, the Evaluation Letter will specify the timing of when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to occupancy). The Health Department Evaluation Letter will serve as confirmation that the Health Department conducted an evaluation of the site to determine if existing wells or septic systems are on the site, and whether any structures on the site have been/are hooked up to water and/or sewer. The Health Department Final Approval Letter will confirm that all existing wells and/or septic systems have been abandoned, inspected and approved by the Health Department (if applicable). (See condition E-3).

Finding 3

The existing wells and/or septic systems are proposed to be abandoned. Submittal of an acceptable "Health Department Final Approval Letter" to the county is required at the time specified in the evaluation letter. (See condition of approval E-4).

Finding 4

There is single-family dwelling and some out buildings on this site, which will all be demolished. All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste

disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied. (See condition of approval A-23)

If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment (of the tank) must be submitted to the Health Department prior to final plat recording. (See condition of approval A-24)

IMPACT FEES:

Finding 1

The site is located in Park Impact Fee (PIF) District 7, Battle School District Impact Fee (SIF), and Orchards Traffic Impact Fees (TIF) district. There is a single family dwelling on the site that qualifies for traffic impact fees credit. But industrial developments are exempt from park and school impact fees exactions. Traffic impact fees will be calculated and imposed during site plan review. (See condition of approval B-6)

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, requiring the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval), or;
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

Determination:

Determination of Non-Significance (DNS): Clark County, as lead agency for review of this proposal, has determined that this proposal does not have a probable significant adverse impact on the environment. An Environmental Impact Statement (EIS) is not required under RCW 43.21C.030 (2) (e). This decision was made after review of a completed environmental checklist and other information on file with the County.

Date of Publication & Comment Period:

Publication date of this DNS is August 11, 2004 and is issued under WAC 197-11-340. The lead agency will not act on this proposal until the close of the 14-day comment period, which ends on August 25, 2004.

Public Comment Deadline:

August 25, 2004

SEPA Appeal Process:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$175**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Issues of compliance with existing approval standards and criteria can still be addressed in the public hearing without an appeal of this SEPA determination.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner on any SEPA procedural appeal can not be appealed to the Board of County Commissioners, but must pursue judicial review.

Staff Contact Person: Michael Uduk, (360) 397-2375, ext. 4385.
Krys Ochia, (360) 397-2375, ext. 4834.

Responsible Official: Michael V. Butts

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA 98666-9810**

RECOMMENDATION

Based upon the proposed plan (identified as Exhibit 5), and the findings and conclusions stated above, staff recommends the Hearings Examiner **APPROVE** this request, subject to the understanding that the applicant is required to adhere to all applicable codes and laws, and is subject to the following conditions of approval:

Conditions of Approval

A Conditions that must be met prior to Final Plat approval and recording; or if improvements are approved by the county for bonding or other secure method, such conditions shall be met prior to issuance of Building Permits per CCC, Sections 12.05A.770(10) & (11) and 13.029.370.

Wetlands Protections

- A-1** Final Wetland Permit approval shall be required (standard wetland permit condition).
- A-2** The Engineering Construction Plans and Final Enhancement/Mitigation Plan shall clearly demonstrate proposed stormwater facilities comply with the standards of CCC 40.450.040 (C) (4) in the buffers and (D) (5) in the wetlands (see Critical Finding 5).

Concurrency:

- A-3** The applicant shall reimburse the County for the cost of concurrency modeling incurred in determining the impact of the proposed development, in an amount not to exceed \$1,000. The reimbursement shall be made within 60 days of issuance of the Staff Report with evidence of payment presented to staff at Clark County Public Works. (See Transportation Concurrency Finding 2)

Transportation:

- A-4** The project shall construct sidewalk along the proposed private cul-de-sac road or provide assurance that internal walkways within the future lots will adequately address the pedestrian circulation requirements. (See Transportation Finding 1)
- A-5** The improvements along NE 88th Street shall include landscaping and a 6-foot wide detached sidewalk, unless a road modification is approved. (See Transportation Finding 3)
- A-6** The applicant shall dedicate additional right-of-way and perform improvements necessary to address traffic operation and/or safety concerns along the frontage on NE 88th Street and at its intersection with the proposed northerly extension of

NE 64th Avenue. The proposed right-of-way and frontage improvements shall be approved by the county Public Works staff. (See Transportation Finding 3)

- A-7** The centerline radius of the proposed extension of NE 64th Street Avenue shall be consistent with the industrial road standards. (See Transportation Finding 4)
- A-8** The proposed private road paved section shall be constructed to 'Local Industrial' road standards specified in Standard Details Manual, Drawing 22. (See Transportation Finding 5)
- A-9** The driveway approaches onto NE 64th Avenue shall be delineated on the final plat. The proposed driveways shall be constructed in accordance with the Standard Details Manual, Drawing F17. (See Transportation Finding 6)
- A-10** Driveway approaches along the proposed private cul-de-sac road shall be constructed prior to final site plan approval for each of the lots in accordance with the Standard Details Manual, Drawing F17. (See Transportation Finding 6)
- A-11** The project shall construct temporary turnaround with developments within each lot, as needed. The required fire apparatus access and turnarounds shall be consistent with the requirements of the County Fire Marshal. (See Transportation Finding 6)
- A-12** The proposed curb return radii at the intersections of NE 84th Street/NE 64th Avenue and NE 64th Avenue/private road shall be in compliance with Table CCC 40.350.030-2 and Table CCC 40.350.030-6. (See Transportation Finding 7)
- A-13** Prior to the final site plan approval, the applicant shall submit evidence verified by a licensed engineer in the State of Washington that the sight distance triangles for all the access points and all the intersections meet the minimum requirements and that the sight distances will remain unobstructed after completion of the project. (See Transportation Finding 8)
- A-14** The project shall implement all the recommendations of the geotechnical site investigation report, dated December 29, 2003 prepared by Geotech Solutions, Inc. unless further studies present new or different facts. The plans for site grading, road construction, and construction of the retaining walls shall be reviewed by a geotechnical engineer during the final design phase and the work shall be monitored during construction by a geotechnical engineer or his/her designee. (See Transportation Finding 9)

Stormwater and Erosion Control:

- A-15** The location and ownership of the proposed stormwater facilities shall conform to the requirements of subsections CCC 40.380.040(D) & (H). (See Stormwater Finding 2)
- A-16** At the time of development application for each lot, the applicant shall submit and receive approval of stormwater plan for water quality control. (See Stormwater Finding 3)

- A-17** The proposed stormwater conveyance and detentions facilities shall be designed to produce no-net increase in 100-year, 24-hour storm event peak water level within the wetland area and no adverse impacts on the upstream or downstream of the proposed development. (See Stormwater Finding 4)

Critical Aquifer Recharge Areas (CARA)

- A-18** If the future use within any of the proposed lots is listed in Section CCC 40.410.020(B), a CARA permit for that development in compliance with Section CCC 40.410 will be required. (See CARA Finding 1)

Fire Protection:

- A-19** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process (see Fire Protection Finding 2).
- A-20** Fire flow in the amount of 1,000 gallons per minute supplied for 60 minutes duration is required for this application. A utility review from the water purveyor indicates that the required fire flow is not currently available at the site. Additions to water mains supplying fire flow and fire hydrants shall be installed, approved and operational prior to final plat approval (see Fire Protection Finding 3).
- A-21** Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. The applicant shall provide fire hydrants such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (see Fire Protection Finding 4).
- A-22** Unless waived by the fire district chief fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. The local fire district chief approves the exact locations of fire hydrants. As a condition of approval, contact the Vancouver Fire Department at (360) 696-8166 to arrange for location approval. The applicant shall provide and maintain a six-foot clear space completely around every fire hydrant (see Fire Protection Finding 6).

Health Department – Other Health Concerns:

- A-23** All demolition wastes must be properly disposed consistent with county demolition permit requirements. The applicant shall provide proof of appropriate waste disposal in the form of receipts to the Health Department with requests for confirmation that the conditions for final plat approval have been satisfied (see Water and Sewer Finding 4).
- A-24** If underground storage tanks exist on the property, they must be identified and decommissioned in place consistent with the Uniform Fire Code under permit from the Fire Marshal. Any leaks or contamination must be reported to Washington State Department of Ecology, and proof of removal or abandonment

(of the tank) must be submitted to the Health Department prior to final plat recording (see Water and Sewer Finding 4).

B. Conditions that must be met prior to issuance of Building Permits

Concurrency:

- B-1** The applicant shall install a separate southbound left turn lane, an eastbound left turn lane, and a westbound right turn lane at the intersection of NE 64th Avenue/NE 88th Street. The turn lanes shall provide vehicle storage for the 95% queues, and all related features unless otherwise directed by the Director of Public Works. The turn lanes shall be operational according to approved plans prior to the issuance of building permits. (See Transportation Concurrency Finding 3)
- B-2** The applicant shall submit a signing and striping plan and a reimbursable work order, authorizing County Road Operations to perform the required signing and striping within the County right-of-way. This plan and work order shall be approved by the Department of Public Works Transportation prior to the issuance of building permits. (See Transportation Concurrency Finding 4)
- B-3** The applicant shall install the north leg of the NE 64th Avenue and NE 88th Street intersection and all related features including traffic signal modifications unless otherwise directed by the Director of Public Works. The improvements shall be operational according to approved plans prior to the issuance of building permits. (See Transportation Concurrency Finding #4)
- B-4** Prior to issuance of any building permits for the development site, the applicant shall submit evidence that demonstrates adequate sight distance is available along NE 64th Avenue for vehicles queuing for the NE 64th Avenue and NE 88th Street. (See Transportation Concurrency Finding # 6)
- B-5** Prior to issuance of any building or grading permits for the development site, the applicant shall obtain written approval from Clark County Department of Public Works of the applicant's Traffic Control Plan (TCP). The TCP shall govern all work within or impacting the public transportation system. (See Transportation Concurrency Finding # 7)

Impact Fees:

- B-6** The appropriate traffic impact fees shall be calculated and imposed during site plan review approval for a specific use on any lot. (See Impact Fees Finding 1)

C. Conditions that must be met prior to issuance of Occupancy Permits

Fire Protection

- C-1** Fire apparatus access is required for this application. The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed

vertical clearance of not less than 13.5 feet, with an all weather driving surface capable of supporting the imposed loads of fire apparatus (see Fire Protection Finding 5).

- C-2** Advisory: If necessary, approved fire apparatus turnarounds when required shall comply with the Clark County Road Standard (see Fire Protection Finding 6)

D. Notes Required on Final Plat

The following notes shall be placed on the final plat:

Land Use – Zoning

- D-1** During site plan review, the proposed development shall comply with the lot setbacks, lot coverage and building height requirements per Table 40.230.080-2. (See Land Use Finding 2)
- D-2** Proposed commercial and/or service uses in the 1-205 Commerce Center shall comply with the requirements of Table 40.230.080-1, Note 1. (See Land Use Finding 3)
- D-3** Proposed development on any lot in this subdivision shall obtain a site plan review approval from Clark County. A site plan review proposed for any lot shall also require a SEPA Checklist review for the specific use. (See Land Use Finding 4)
- D-4 Wetland Covenants:**
"Clark County Wetland Protection Ordinance (Clark County Code Chapter 13.36) requires wetlands and wetland buffers to be maintained in a natural state. Refer to the Conservation Covenant recorded in conjunction with this plat for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this Plat." (See Critical Areas Findings)
- D-5 Archaeological:**
"If any cultural resources are discovered in the course of undertaking the development activity, the Office of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- D-6 Mobile Homes:**
"Placement of Mobile Homes is prohibited."
- D-7 Impact Fees:**
The appropriate traffic impact fees shall be calculated and imposed during site plan review approval for a specific use on any lot. (See Impact Fees Finding)
- D-8 Driveways:**
"All driveway approaches entering public roads are required to comply with CCC 40.350."

D-9 Sidewalks:

"Prior to issuance of occupancy permits, sidewalks shall be constructed along all the respective lot frontages."

D-10 Utilities:

"An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."

D-11 Critical Aquifer Recharge Areas:

"The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."

D-12 Erosion Control:

"Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."

D-13 Driveways:

"No direct access is allowed onto the following streets: NE 88th Street."

D-14 Private Roads:

"Clark County has no responsibility to improve or maintain the private roads contained within or private roads providing access to the property described in this plat. Any private access street shall remain a private street unless it is upgraded to public street standards at the expense of the developer or adjoining lot owners to include hard surface paving and is accepted by the County for public ownership and maintenance."

E. Standard Conditions

This development proposal shall conform to all applicable sections of the Clark County Code. The following conditions shall also apply:

Land Division:

E-1 Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.

E-2 Wetlands:

The requirements of CCC 40.450 shall apply even if no impacts are proposed. These requirements include:

- a) Demarcation of wetland and/or buffer boundaries established prior to, and maintained during construction (i.e. sediment fence;
- b) Permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.) and posting of approved signage on each lot or every 100 ft of the boundary, whichever is less;
- c) Recording a conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in natural state; and,
- d) Showing the wetland and buffer boundaries on the face of the Final Plat and including a note that refers to the separately recorded conservation covenant.

Water Wells and Septic Systems:

E-3 Submittal of a "Health Department Evaluation Letter" is required as part of the Final Construction Plan Review application. If the Evaluation Letter specifies that an acceptable "Health Department Well/Septic Abandonment Letter" must be submitted, then the Evaluation Letter will specify when the Final Approval Letter must be submitted to the county (e.g., at Final Construction Plan Review, Final Plat Review or prior to the Issuance of an Occupancy Permit).

E-4 The existing wells and/or septic systems are proposed to be abandoned. Submittal of an acceptable "Health Department Final Approval Letter" to the county is required at the time specified in the evaluation letter.

E-5 Transportation:

Prior to construction, the applicant shall submit and obtain County approval of a final transportation design in conformance to CCC 40.350.

E-6 Stormwater:

Prior to construction, the applicant shall submit and obtain County approval of a final stormwater plan designed in conformance to CCC 40.380.

E-7 Pre-Construction Conference:

Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

E-8 Erosion Control:

Prior to construction, the applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

E-9 Erosion Control:

For land divisions, a copy of the approved erosion control plan shall be submitted to the Chief Building Official prior to final plat recording.

E-10 Erosion Control:

Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

E-11 Erosion Control:

Erosion control facilities shall **not** be removed without County approval.

E-12 Excavation and Grading:

Excavation/grading shall be performed in compliance with Appendix Chapter 33 of the Uniform Building Code (UBC).

E-13 Excavation and Grading:

Site excavation/grading shall be accomplished, and drainage facilities shall be provided, in order to ensure that building foundations and footing elevations can comply with CCC 14.04.252.

E-14 Landscaping:

Prior to recording the final plat, the applicant shall submit a copy of the approved landscape plan(s) for any public right-of-way (if applicable) with a letter signed and stamped by a landscape architect licensed in the state of Washington certifying that the landscape and irrigation (if any) have been installed in accordance with the attached approved plan(s) and verifying that any plant substitutions are comparable to the approved plantings and suitable for the site.

Note: Any additional information submitted by the applicant within fourteen (14) calendar days prior to or after issuance of this report, may not be considered due to time constraints. In order for such additional information to be considered, the applicant may be required to request a hearing extension and pay half the original review fee.

HEARING EXAMINER DECISION AND APPEAL PROCESS

This report to the Hearing Examiner is a recommendation from the Development Services Division of Clark County, Washington.

The Examiner may adopt, modify or reject this recommendation. The Examiner will render a decision within 14 calendar days of closing the public hearing. The County will mail a copy of the decision to the applicant and neighborhood association within 7 days of receipt from the Hearing Examiner. All parties of record will receive a notice of the final decision within 7 days of receipt from the Hearing Examiner.

An **appeal** of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Board of County Commissioners only by a party of record. A party of record includes the applicant and those individuals who signed the sign-in sheet or presented oral testimony at the public hearing, and/or submitted written testimony prior to or at the Public Hearing on this matter.

The appeal shall be filed with the Board of County Commissioners, Public Service Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record.

Any appeal of the final land use decisions shall be in writing and contain the following:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 18.600.100 (A) of the Clark County Code. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;
3. The specific aspect(s) of the decision and/or SEPA issue being appealed, the reasons why each aspect is in error as a matter of fact or law, and the evidence relied, on to prove the error; and,
4. If the petitioner wants to introduce new evidence in support of the appeal, the written appeal also must explain why such evidence should be considered, based on the criteria in subsection 18.600.100 (D)(2).
5. A check in the amount of **\$263** (made payable to the Clark County Board of County Commissioners).

Attachments:

- Copy of SEPA Checklist
- Copy of Vicinity Map
- Copy of Proposed Preliminary Plan
- Exhibit List

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>